

Applic. No. 10/725,111
Amdt. dated November 28, 2005
Reply to Office action of July 28, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-8 remain in the application. Claim 1 has been amended.

In item 2 on page 2 of the above-identified Office action, claims 1-8 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Claim 1 has been amended so as to further clarify that the limitations which followed "can be" are part of the claimed invention. Therefore, it is believed that the rejection has been overcome.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are

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not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In the last paragraph on page 2 of the Office action, claims 1 and 6 have been rejected as being fully anticipated by Rieman (U.S. Patent No. 5,110,080) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a support element having an upwardly projecting suspension rail with a given curvature, and a hanging element having a slot formed therein, the slot plugging the hanging element onto the suspension rail, the slot having a curvature corresponding to the given curvature, with which the hanging element can be plugged onto the suspension rail by a rotary movement.

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The Rieman reference discloses a rack support system having a support element with a holding strip fastened in a horizontal position. The holding strip has a rear face (1), a holding edge (2) bent upwardly from the lower edge of the rear face constructed to hold a suspension bar (8), and a stop edge (3) bent downwardly from the rear face constructed to prevent an inadvertent removal of the suspension bar (8). The suspension bar (8) is a substantially U-shaped profile having mounting slots (10), which extend into the legs of the U-shaped profile. The mounting slots (10) have the same direction and substantially the same length as the holding edge (2). However, as is shown in Figs. 1 and 3-5, neither the holding edge (2) nor the mounting slots (10) are curved. Instead, both the holding edge (2) and the mounting slot (10) are straight.

The reference does not show a support element having an upwardly projecting suspension rail with a given curvature, and a hanging element having a slot formed therein, the slot plugging the hanging element onto the suspension rail, the slot having a curvature corresponding to the given curvature, as recited in claim 1 of the instant application. The curvature of the suspension rail and the slot prevents an unintentional detachment of the hanging element. The Rieman reference discloses that the holding edge and the mounting

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slots are straight. Riemen discloses that the stop edge prevents the mounting bar from being unintentionally removed. Riemen does not disclose that the holding edge or the mounting slots have a curvature. This is contrary to the present invention as claimed, in which a support element has an upwardly projecting suspension rail with a given curvature, and a hanging element has a slot formed therein, the slot plugging the hanging element onto the suspension rail, the slot having a curvature corresponding to the given curvature.

The reference does not disclose the slot having a curvature corresponding to the given curvature, with which the hanging element can be plugged onto the suspension rail by a rotary movement, as recited in claim 1 of the instant application. Figs. 3-5 of Riemen show that the suspension bar is disposed on the holding with linear movements. Riemen does not disclose that the suspension bar is placed on the holding edge with a rotary movement. This is contrary to the invention of the instant application as claimed, which recites that the slot has a curvature corresponding to the given curvature, with which the hanging element can be plugged onto the suspension rail with a rotary movement.

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Since claim 1 is believed to be allowable over Rieman,
dependent claim 6 is believed to be allowable over Rieman as
well.

In item 4 on page 3 of the Office action, claims 2 and 4 have
been rejected as being obvious over by Rieman (U.S. Patent No.
5,110,080) under 35 U.S.C. § 103. Since claim 1 is believed
to be allowable over Rieman, dependent claims 2 and 4 are
believed to be allowable over Rieman as well.

In item 5 on page 4 of the Office action, claim 5 has been
rejected as being obvious over by Rieman (U.S. Patent No.
5,110,080) in view of Cheng (U.S. Patent No. 4,678,152) under
35 U.S.C. § 103. Cheng does not make up for the deficiencies
of Rieman. Since claim 1 is believed to be allowable,
dependent claim 5 is believed to be allowable as well.

It is appreciatively noted from item 6 on page 4 of the Office
action that claims 3, 7, and 8 would be allowable if rewritten
in independent form including all of the limitations of the
base claim and any intervening claims. The claims are
believed to be allowable in their existing form. Therefore,
the claims have not been amended as indicated by the Examiner.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-8 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

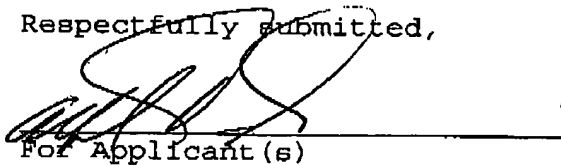
Petition for extension is herewith made. It is believed that due to the fact that undersigned Counsel's office lost electric power from October 24 to October 30, 2005 and the local Post Office was closed, all due to Hurricane Wilma, the extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$120.00 in accordance with Section 1.17 should be waived. Please see the Patent Office Notice entitled United States Postal Service Interruption and Emergency under 35 USC 21(a), dated November 2, 2005 on the USPTO website.

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However, if a fee for an extension of time is required, the extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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AKD:cgm

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